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WAYNE W. RUPERT  
KLARQUIST SPARKMAN, LLP  
ONE WORLD TRADE CENTER, SUITE 1600  
121 S.W. SALMON STREET  
PORTLAND, OREGON 97204

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In re Application of :  
Matthew L. Babicki et al :  
Application No. 10/021,751 :  
Filed: December 11, 2001 :  
Attorney Docket No. 6454-61583

OFFICE OF PETITIONS

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Publishing Division.

*Irvin Dingle*  
Irvin Dingle  
Petitions Examiner  
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